

EXHIBIT F

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11 HEALTHCARE, a Division of MCNEIL-PPC, INC.,
12 MCKESSON CORPORATION, and WAL-MART
13 STORES, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN FRANCISCO

THOMAS B. GAINES, a deceased minor
child by and through his personal
representative(s) and/or successor(s) in
interest; DIANA L. GAINES, individually,
as Executor of the Estate of Thomas B.
Gaines, and as Thomas B. Gaines' personal
representative and successor in interest;
GARY D. GAINES, individually and as
Thomas B. Gaines' personal representative
and successor in interest; and THE
ESTATE OF THOMAS B. GAINES,

Plaintiffs,

v.

JOHNSON & JOHNSON, a New Jersey
corporation; MCNEIL CONSUMER &
SPECIALTY PHARMACEUTICALS, a
Division of MCNEIL-PPC, INC., a New
Jersey corporation; MCKESSON
CORPORATION, a Delaware corporation;
WAL-MART STORES, INC., a Delaware
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No. CGC-06-457600

**DEFENDANT MCKESSON
CORPORATION'S RESPONSE TO
PLAINTIFFS' SPECIAL
INTERROGATORIES, SET ONE**

1 PROPOUNDING PARTY: Plaintiff THOMAS B. GAINES, et al.

2 RESPONDING PARTY: Defendant MCKESSON CORPORATION

3 SET NUMBER: ONE (1)

4 **PREFATORY STATEMENT**

5 Defendant MCKESSON CORPORATION ("McKesson" or "Defendant") has not
6 completed its investigation, discovery or trial preparation. Should additional information
7 or documents responsive to these interrogatories come to McKesson's attention in the
8 future, McKesson will supplement these responses and reserves the right to use such
9 information and documents during the course of this litigation and at trial.

10 **PRELIMINARY OBJECTIONS**

11 1. McKesson objects to the interrogatories, individually and generally, on the
12 grounds that they are overbroad, they seek information that (a) is neither relevant to the
13 subject matter of this action nor reasonably calculated to lead to the discovery of
14 admissible evidence, or (b) bears only slight relevance to the subject matter of this action
15 and the expenditure of resources necessary to produce such information would be grossly
16 disproportionate to that relevance, if any. Responding would therefore be unduly
17 burdensome and oppressive.

18 2. McKesson objects to the interrogatories, individually and generally, to the
19 extent they seek information containing trade secrets or other proprietary or confidential
20 research, development, commercial or personal information.

21 3. McKesson objects to the interrogatories, individually and generally, to the
22 extent they seek information protected from disclosure by the attorney-client privilege or
23 the attorney work product doctrine, the joint defense privilege, or any other
24 constitutional, statutory or common law privilege or protection.

25 4. McKesson objects to the interrogatories, individually and generally, to the
26 extent they seek information relating to products not at issue in this litigation on the
27 ground that such information is not relevant to the subject matter of this action and such
28

1 interrogatories are overbroad, not reasonably calculated to lead to the discovery of
2 admissible evidence and unduly burdensome.

3 5. McKesson objects to the interrogatories, individually and generally, to the
4 extent they seek information relating to products other than McNeil's single-ingredient
5 ibuprofen products, the product allegedly used by Thomas Gaines.

6 6. McKesson objects to the interrogatories, individually and generally, to the
7 extent they are not limited in scope to an appropriate time period. Unless otherwise
8 stated, McKesson objects to disclosing information other than for the period of January 1,
9 2004 through September 28, 2004.

10 7. McKesson objects to the interrogatories, individually and generally, to the
11 extent they seek the disclosure of information concerning any Wal-Mart store other than
12 the Wal-Mart store at issue in this litigation, store number 1209 located at 401 North
13 General Blvd., Lincolnton, North Carolina, 28092-3559.

14 8. McKesson objects to Plaintiffs' definition of the term "Children's Motrin"
15 as overbroad, unduly burdensome, irrelevant, and not reasonably calculated to lead to the
16 discovery of admissible evidence.

17 **NOTE: Each discovery response of McKesson is made**
18 **subject to and without waiver of these general objections.**
19 **In order to avoid unnecessary repetition, McKesson**
20 **specifically incorporates into its responses to these**
21 **interrogatories each of these general objections. If that is**
22 **not satisfactory, on request, McKesson will amend these**
23 **responses to include the full text of each objection.**

24 **MCKESSON'S RESPONSES TO PLAINTIFFS' INTERROGATORIES**

25 **Interrogatory No. 1:**

26 Between the years of January 1, 1995 to the present have YOU ever distributed
27 CHILDREN'S MOTRIN to WAL-MART?

28 **Response to Interrogatory No. 1:**

McKesson objects to this interrogatory as overbroad, unduly burdensome,
harassing, and seeking information neither relevant to the subject matter of this action,
nor reasonably calculated to lead to the discovery of admissible evidence. McKesson

1 further objects to this interrogatory to the extent it is not limited to a reasonable time
 2 period. McKesson objects to this interrogatory on the ground that it is vague and
 3 ambiguous, particularly with respect to the term "distributed."

4 Subject to and without waiving its objections, McKesson responds: McKesson did
 5 not distribute Children's Motrin to Wal-Mart store number 1209 during the period of
 6 January 1, 2004 through September 28, 2004

7 **Interrogatory No. 2:**

8 If YOUR response to Special Interrogatory No. 1, above, is affirmative, please
 9 IDENTIFY the years during which YOU distributed CHILDREN'S MOTRIN to WAL-
 10 MART.

11 **Response to Interrogatory No. 2:**

12 McKesson objects to this interrogatory as overbroad, unduly burdensome,
 13 oppressive, harassing, and seeking information neither relevant to the subject matter of
 14 this action, nor reasonably calculated to lead to the discovery of admissible evidence.
 15 McKesson further objects to this interrogatory to the extent it is not limited to a
 16 reasonable time period. McKesson objects to this interrogatory on the ground that it is
 17 vague and ambiguous, particularly with respect to the term "distributed."

18 Subject to and without waiving its objections, McKesson refers plaintiffs to its
 19 response to Special Interrogatory number 1.

20 **Interrogatory No. 3:**

21 Do YOU contend that YOU never distributed CHILDREN'S MOTRIN to WAL-
 22 MART?

23 **Response to Interrogatory No. 3:**

24 McKesson objects to this interrogatory as overbroad and seeking information
 25 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 26 the discovery of admissible evidence. McKesson also objects to this interrogatory on the
 27 ground that it is vague and ambiguous, particularly with respect to the term "distributed."
 28 McKesson further objects to this interrogatory to the extent it is not limited to a

1 reasonable time period.

2 Subject to and without waiving its objections, McKesson refers plaintiffs to its
3 response to Special Interrogatory number 1.

4 **Interrogatory No. 4:**

5 If YOU contend that YOU have never distributed CHILDREN'S MOTRIN to
6 WAL-MART please IDENTIFY all facts which YOU claim support this contention.

7 **Response to Interrogatory No. 4:**

8 McKesson objects to this interrogatory as overbroad and seeking information
9 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
10 the discovery of admissible evidence. McKesson also objects to this interrogatory on the
11 ground that it is vague and ambiguous, particularly with respect to the term "distributed."
12 McKesson further objects to this interrogatory to the extent it is not limited to a
13 reasonable time period.

14 Subject to and without waiving its objections, McKesson refers plaintiffs to its
15 response to Special Interrogatory number 1.

16 **Interrogatory No. 5:**

17 If YOU contend that YOU have never distributed CHILDREN'S MOTRIN to
18 WAL-MART please IDENTIFY all DOCUMENTS which YOU claim support this
19 contention.

20 **Response to Interrogatory No. 5:**

21 McKesson objects to this interrogatory as overbroad and seeking information
22 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
23 the discovery of admissible evidence. McKesson also objects to this interrogatory on the
24 ground that it is vague and ambiguous, particularly with respect to the term "distributed."
25 McKesson further objects to this interrogatory to the extent it is not limited to a
26 reasonable time period.

27 Subject to and without waiving its objections, McKesson refers plaintiffs to its
28 response to Special Interrogatory number 1. It would be unduly burdensome and

1 oppressive for McKesson to identify all documents supporting McKesson's contention
 2 that it did not distribute Children's Motrin to Wal-Mart store number 1209 during the
 3 period of January 1, 2004 to September 28, 2004.

4 **Interrogatory No. 6:**

5 If YOU contend that YOU have never distributed CHILDREN'S MOTRIN to
 6 WAL-MART please IDENTIFY all PERSONS who have knowledge of facts which
 7 YOU claim support this contention.

8 **Response to Interrogatory No. 6:**

9 McKesson objects to this interrogatory as overbroad and seeking information
 10 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 11 the discovery of admissible evidence. McKesson also objects to this interrogatory on the
 12 ground that it is vague and ambiguous, particularly with respect to the term "distributed."
 13 McKesson further objects to this interrogatory to the extent it is not limited to a
 14 reasonable time period.

15 Subject to and without waiving its objections, McKesson refers plaintiffs to its
 16 response to Special Interrogatory number 1. It would be unduly burdensome and
 17 oppressive for McKesson to identify all persons with knowledge of facts supporting
 18 McKesson's contention that it did not distribute Children's Motrin to Wal-Mart store
 19 number 1209 during the period of January 1, 2004 to September 28, 2004.

20 **Interrogatory No. 7:**

21 ... Between the years of January 1, 1995 to the present have YOU ever distributed
 22 branded (also known as "brand name") pharmaceuticals to WAL-MART?

23 **Response to Interrogatory No. 7:**

24 McKesson objects to this interrogatory as overbroad, unduly burdensome,
 25 harassing, and seeking information neither relevant to the subject matter of this action,
 26 nor reasonably calculated to lead to the discovery of admissible evidence. McKesson
 27 further objects to this interrogatory to the extent it is not limited to a reasonable time
 28 period. McKesson objects to this interrogatory on the ground that it is vague and

1 ambiguous, particularly with respect to the terms "distributed" and "branded (also known
2 as 'brand name') pharmaceutical."

3 **Interrogatory No. 8:**

4 If YOUR response to Special Interrogatory No. 5 [sic], above, is affirmative,
5 please IDENTIFY the years during which YOU distributed branded (also known as
6 "brand name") pharmaceuticals to WAL-MART.

7 **Response to Interrogatory No. 8:**

8 McKesson objects to this interrogatory as overbroad, unduly burdensome,
9 oppressive, harassing, and seeking information neither relevant to the subject matter of
10 this action, nor reasonably calculated to lead to the discovery of admissible evidence.
11 McKesson further objects to this interrogatory to the extent it is not limited to a
12 reasonable time period. McKesson objects to this interrogatory on the ground that it is
13 vague and ambiguous, particularly with respect to the terms "distributed" and "branded
14 (also known as 'brand name') pharmaceutical." McKesson interprets this interrogatory
15 as seeking information related to Special Interrogatory No. 7, not Special Interrogatory
16 No. 5, as set forth in the interrogatory.

17 **Interrogatory No. 9:**

18 Do YOU contend that YOU never distributed branded (also known as "brand
19 name") pharmaceuticals to WAL-MART?

20 **Response to Interrogatory No. 9:**

21 McKesson objects to this interrogatory as overbroad and seeking information
22 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
23 the discovery of admissible evidence. McKesson also objects to this interrogatory on the
24 ground that it is vague and ambiguous, particularly with respect to the terms "distributed"
25 and "branded (also known as 'brand name') pharmaceutical." McKesson further objects
26 to this interrogatory to the extent it is not limited to a reasonable time period.

Interrogatory No. 10:

If YOU contend that YOU have never distributed branded (also known as "brand name") pharmaceuticals to WAL-MART please IDENTIFY all facts which YOU claim support this contention.

Response to Interrogatory No. 10:

McKesson objects to this interrogatory as overbroad and seeking information neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. McKesson also objects to this interrogatory on the ground that it is vague and ambiguous, particularly with respect to the terms "distributed" and "branded (also known as 'brand name') pharmaceutical." McKesson further objects to this interrogatory to the extent it is not limited to a reasonable time period.

Interrogatory No. 11:

If YOU contend that YOU have never distributed branded (also known as "brand name") pharmaceuticals to WAL-MART please IDENTIFY all DOCUMENTS which YOU claim support this contention.

Response to Interrogatory No. 11:

McKesson objects to this interrogatory as overbroad and seeking information neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. McKesson also objects to this interrogatory on the ground that it is vague and ambiguous, particularly with respect to the terms "distributed" and "branded (also known as 'brand name') pharmaceutical." McKesson further objects to this interrogatory to the extent it is not limited to a reasonable time period.

Interrogatory No. 12:

If YOU contend that YOU have never distributed branded (also known as "brand name") pharmaceuticals to WAL-MART please IDENTIFY all PERSONS who have knowledge of the facts which YOU claim support this contention.

Response to Interrogatory No. 12:

McKesson objects to this interrogatory as overbroad and seeking information

1 neither relevant to the subject matter of this action, nor reasonably calculated to lead to
 2 the discovery of admissible evidence. McKesson also objects to this interrogatory on the
 3 ground that it is vague and ambiguous, particularly with respect to the terms "distributed"
 4 and "branded (also known as 'brand name') pharmaceutical." McKesson further objects
 5 to this interrogatory to the extent it is not limited to a reasonable time period.

6 **Interrogatory No. 13:**

7 Please IDENTIFY any and all contracts between YOU and MCNEIL
 8 CONSUMER from January 1, 2001 to the present.

9 **Response to Interrogatory No. 13:**

10 McKesson objects to this interrogatory as overbroad, unduly burdensome,
 11 harassing, and seeking information neither relevant to the subject matter of this action,
 12 nor reasonably calculated to lead to the discovery of admissible evidence. McKesson
 13 further objects to this interrogatory to the extent it is not limited to a reasonable time
 14 period. McKesson additionally objects to this interrogatory to the extent it seeks the
 15 disclosure of information relative to products other than Children's Motrin as Children's
 16 Motrin is the only product at issue in this litigation. McKesson objects to this
 17 interrogatory to the extent it seeks the disclosure of information containing trade secret or
 18 other proprietary or confidential research, development, commercial, or personal
 19 information. To the extent such information can be disclosed, it will not be without entry
 20 of an appropriate protective order.

21 Subject to and without waiving its objections, entry of an appropriate protective
 22 order, and with the appropriate redactions, if any, McKesson will produce non-privileged
 23 documents pertaining to Children's Motrin, if any, in effect for the period of January 1,
 24 2004 through September 28, 2004.

25 **Interrogatory No. 14:**

26 Please IDENTIFY any and all contracts between YOU and MCNEIL-PPC from
 27 January 1, 2001 to the present.

Response to Interrogatory No. 14:

McKesson objects to this interrogatory as overbroad, unduly burdensome, harassing, and seeking information neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. McKesson further objects to this interrogatory to the extent it is not limited to a reasonable time period. McKesson additionally objects to this interrogatory to the extent it seeks the disclosure of information relative to products other than Children's Motrin as Children's Motrin is the only product at issue in this litigation. McKesson objects to this interrogatory to the extent it seeks the disclosure of information containing trade secret or other proprietary or confidential research, development, commercial, or personal information.

Subject to and without waiving its objections, entry of an appropriate protective order, and with the appropriate redactions, if any, McKesson will produce non-privileged documents pertaining to Children's Motrin, if any, in effect for the period of January 1, 2004 through September 28, 2004.

Interrogatory No. 15:

Please IDENTIFY any and all contracts between YOU and J&J from January 1, 2001 to the present.

Response to Interrogatory No. 15:

McKesson objects to this interrogatory as overbroad, unduly burdensome, harassing, and seeking information neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. McKesson further objects to this interrogatory to the extent it is not limited to a reasonable time period. McKesson additionally objects to this interrogatory to the extent it seeks the disclosure of information relative to products other than Children's Motrin as Children's Motrin is the only product at issue in this litigation. McKesson objects to this interrogatory to the extent it seeks the disclosure of information containing trade secret or other proprietary or confidential research, development, commercial, or personal

1 information.

2 Subject to and without waiving its objections, entry of an appropriate protective
3 order, and with the appropriate redactions, if any, McKesson will produce non-privileged
4 documents pertaining to Children's Motrin, if any, in effect for the period of January 1,
5 2004 through September 28, 2004.

6 **Interrogatory No. 16:**

7 Between January 1, 1995 to the present did YOU ever purchase CHILDREN'S
8 MOTRIN from MCNEIL CONSUMER with the purpose of distribution to a retail
9 businesses?

10 **Response to Interrogatory No. 16:**

11 McKesson objects to this interrogatory as overbroad, unduly burdensome,
12 harassing, and seeking information neither relevant to the subject matter of this action,
13 nor reasonably calculated to lead to the discovery of admissible evidence. McKesson
14 further objects to this interrogatory to the extent it is not limited to a reasonable time
15 period. McKesson objects to this interrogatory on the ground that it is vague and
16 ambiguous, particularly with respect to the phrase "the purpose of distribution to a retail
17 business."

18 Subject to and without waiving its objections, McKesson responds: No.

19 **Interrogatory No. 17:**

20 Between January 1, 1995 to the present did YOU ever purchase CHILDREN'S
21 MOTRIN from MCNEIL-PPC with the purpose of distribution to a retail businesses?

22 **Response to Interrogatory No. 17:**

23 McKesson objects to this interrogatory as overbroad, unduly burdensome,
24 harassing, and seeking information neither relevant to the subject matter of this action,
25 nor reasonably calculated to lead to the discovery of admissible evidence. McKesson
26 further objects to this interrogatory to the extent it is not limited to a reasonable time
27 period. McKesson objects to this interrogatory on the ground that it is vague and
28 ambiguous, particularly with respect to the phrase "the purpose of distribution to a retail

1 business.”

2 Subject to and without waiving its objections, McKesson responds: No.

3 **Interrogatory No. 18:**

4 Between January 1, 1995 to the present did YOU ever purchase CHILDREN'S
5 MOTRIN from J&J with the purpose of distribution to a retail businesses?

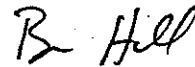
6 **Response to Interrogatory No. 18:**

7 McKesson objects to this interrogatory as overbroad, unduly burdensome,
8 harassing, and seeking information neither relevant to the subject matter of this action,
9 nor reasonably calculated to lead to the discovery of admissible evidence. McKesson
10 further objects to this interrogatory to the extent it is not limited to a reasonable time
11 period. McKesson objects to this interrogatory on the ground that it is vague and
12 ambiguous, particularly with respect to the phrase “the purpose of distribution to a retail
13 business.”

14 Subject to and without waiving its objections, McKesson responds: No.

15
16 Dated: August 2, 2007

DRINKER BIDDLE & REATH LLP

17 

18 BENJAMIN J. HOLL

19 Attorneys for Defendants
20 JOHNSON & JOHNSON, MCNEIL
21 CONSUMER HEALTHCARE, a Division
22 of MCNEIL-PPC, INC., MCKESSON
23 CORPORATION, and WAL-MART
24 STORES, INC.
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